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An Independent Family Journal--Devoted to Politics, News, Literature, &c.

BY JAMES A. HOYT.

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MILITARY TRIAL.

[CONTINUED.]

CITADEL, March 19, 1866.

The Commission met at 10.30 A. M., and continued the trial of James Crawford Keys, his son, Robert Keys, and Elisha Byrum.

Joseph Prevost, a witness for the defense, deposed that the general character of the accused is good; that after their arrest Fred Clark said to him that Crawford Keys was at home the night of the murder; that Fred said he knew it because Mr. Keys called for some one that night, about 9 o'clock or later, and he (Fred) went near him, and asked him what he wanted; that he (witness) then asked Fred whether Keys was at home after that, and Fred said he did not know as he went to bed; that, on the 18th January, Fred, when summoned as a witness in this case, said, "I can't imagine what they want with me, as I assure you I know nothing under God's Heaven of this matter connected with the murder."

J. B. E. Sloan, a witness for the defense, deposed that the general character of the accused is good; that Crawford Keys is active in public matters in his community, and possesses influence.

On cross-examination the witness was asked by the Judge Advocate the following question:

Question: "Is Crawford Keys a man who would be likely to take part in measures of a violent character, determined on by his neighbors, for the protection of some local interest?"

The accused, by his counsel, objected to the question, on the ground that it seeks to elicit no fact, but the opinion of the witness on a supposed state of things. Facts tending to make up general character may be admissible, but opinions as to what the accused would do are, it is submitted, inadmissible.

The Judge Advocate insisted on the question being put. The witness has assumed to describe the character of Crawford Keys; on his cross-examination it becomes necessary to define, with more exactness, the witness' estimate of the accused. The best way to accomplish this is by calling the attention of the witness to some particular class or character of men, and to ask him whether the accused belongs to that class or has that character.

The objection was overruled, and the witness replied as follows:

I think he is a man who would use every effort to prevent violent measures being taken where they were unlawful; I never heard of his being engaged in violent proceedings until I saw something of it introduced in the proceedings in this case.

Question by Judge Advocate: "Do you mean to say that had you known that Crawford Keys had lynched a man during the war, for opposing the will and interest of his State, it would not have changed the opinion which you have expressed?"

The accused, by their counsel, objected on the ground that the legitimate inquiries as to the general reputation of the accused, and not the general reputation of the community or the State, and the question seeks to elicit the public opinion of Anderson.

The Judge Advocate insisted on the question. It was contended that acts of the kind supposed in the question, are not condemned by public opinion in the section of country where this murder was committed, and that such a state of public morals should be disclosed as affecting the soundness of the public judgment on the question of general character.

The objection was sustained.

Questioned by Judge Advocate: "Is the commission of such acts of violence (as the whipping of Horn,) when ordered by a meeting of citizens, justified by the community?"

The accused, by their counsel, objected on the ground that the whole enquiry, as to the public opinion of Anderson District, is irrelevant.

The Commission sustained the objection.

J. B. P. Alley, a witness for the defense, deposed that he lives twelve miles from Anderson Court House, on Seneca River;

that on the 9th of October last, between 12 M. and 2 P. M., a party, consisting of one man on a sorrel chestnut mare, whom he had seen at his house on the previous Friday, and four white men and one black man, in a wagon drawn by a large black mare and a dark bay horse, came up to his house; that the man on horseback, who wore a brace of pistols, asked for a bushel of corn, which witness refused, saying, "Any man that robbed me can't get a bushel of corn;" that the man replied, "God damn you, we killed three last night, and we will kill you," putting his hand to his pistol; that he (witness) jumped behind a big oak tree; that one of the party then said, "Bill, hurry on, they are after us;" that there were two cavalry saddles in the wagon; that they came from the direction of Brown's Ferry; that none of the accused were of the party.

Cross-examined by the Judge Advocate: "Were you not dodging around and trying to get out of the way of one of the men when you recognized the horses?"

Answer: No.

The Judge Advocate offered in evidence the statement of the witness in the case of F. G. Stowers, that when he noticed the points of the horses he was at the well, near the road, by the corner of the fence, and that it was after the man threatened him.

The witness further deposed that he had seen two of the men on the 6th October; that they came from the direction of Georgia and went in the direction of Campbell's house; that one had on a United States uniform; that he had never communicated these facts to the military authorities because he did not know there had been a murder until a week afterwards, and it was then too late.

Question by Judge Advocate: "What do you mean by saying that you did not know a murder had been committed, when the man told you he had murdered three men?"

Answer: "I did not believe everything was told me by a stranger; he said he had killed three, but did not say he had murdered them."

The accused offered in evidence in this case the testimony given by A. P. Cater in the case of F. G. Stowers, which was read, and is to the effect that Warren Howell had told him (the witness Cater) on the day of his examination at Anderson, that he had no idea who the parties were who committed the murder; that the distance was so great and it was so dark, he could not have recognized them if he had been ever so well acquainted with them; that he did not recognize their voices.

On account of the non-arrival of witnesses for the prosecution, the Commission adjourned to meet on the 20th inst., at 10.30 A. M.

March 20, 1866.

James W. Wilkinson, a witness for the defense, deposed that he has lived the last three years at Anderson C. H.; that he knew Crawford Keys, and that his general character is good; that his character is eminently that of a quiet citizen, peaceable and well disposed.

John Wilson, a witness for the defense, deposed that the general character of the accused is good; that Robert Keys is a young man of industrious habits, quiet and peaceable; that Crawford Keys is a quiet citizen.

Question by Accused: "Has he been prominent in suppressing riots and breaches of peace?"

The Judge Advocate objected, on the ground that the question calls for the witness' knowledge of facts, not for the reputation of the accused.

The objection was overruled, and the witness replied that in the only two riots he had known in Anderson, Crawford Keys rendered efficient service in suppressing both; that he did not habitually carry pistols.

On being cross-examined by the Judge Advocate, the witness said he had never heard that Crawford Keys had whipped a man in 1861; that he heard of a man being whipped; that the transaction was not authorized by the legal authorities of the State; that he never heard of Crawford Keys whipping or otherwise assaulting negroes during the last year.

Question by the Judge Advocate: "Did you not hear that he did violence to a girl upon his plantation, who obtained protection from the military authorities at Anderson?"

The accused, through their counsel, having objected to the question, their objection was overruled by the Commission, and the witness stated that Crawford Keys was cited before the Court at Anderson for his conduct to some one of his negroes; that he did not know whether the negro was male or female, or what was the decision of the Court; that Crawford Keys has since been a member of that

Court, for the trial of cases in which negroes are parties; that John T. Horn was said to have been whipped for inciting negroes to insurrection, and was a member of the Vigilance Committee.

The accused, through their counsel, gave notice that they had no evidence to offer before the final close of the case for the prosecution. The Commission therefore adjourned to meet on the 21st inst., at 10.30 A. M., to resume the evidence for the prosecution.

March 21, 1866.

The Judge Advocate stated that his witnesses had not yet arrived, but were daily expected; that a telegram had been received from General Ames, some days since, stating that they would be immediately forwarded. He asked that the Commission might be adjourned for a day or two, to await the arrival of the witnesses.

The accused, by their counsel, suggested that, instead of postponing the case, the Judge Advocate now proceed to close his case, and the defense proceed with their testimony; the Judge Advocate summoning the witnesses, Capt. Bray and Lieut. Cook, and then to whatever matter is adduced in the testimony of the defense the Judge Advocate can reply, when the testimony for the defense is closed—or that a day be fixed for the prosecution to proceed with the case.

Upon the intimation of the Judge Advocate that he is disposed to adopt the suggestion of the counsel of the accused, so far as it relates to the closing of the prosecution and reserving the testimony referred to until the close of the case of the accused, the Commission directed that the Judge Advocate forthwith issue summonses for Capt. Bray and Lieut. Cook to attend this Commission as witnesses, and that the case proceed.

The accused, by their counsel, requested that the Judge Advocate, before he closes for the prosecution, will recall the witness Brown, to enable him to be interrogated as to the fact whether he did or did not make statements relative to the events of the 8th October to the Rev. W. H. Tyler and Milton Simpson,—at the time Brown was examined, the counsel for the accused not being aware of their statements, and not having had an opportunity of asking Brown in relation to them.

The Judge Advocate objected to the motion on the following grounds:

1st. The cross-examination of the witness Brown having been closed by the accused, it is irregular to recall him for further cross-examination.

This is a step seldom taken, and never has been, to my recollection, allowed in any Court, civil or military. It often happens that the counsel make an imperfect cross-examination. It would lead to endless prolixity of proceedings by allowing resumption of cross-examination.

2d. When the object of reopening the cross-examination is to lay a foundation for contradicting the witness, additional reasons exist for not allowing it. Evidence of contradiction is collateral to the main issue, and should be limited to a strict adherence to the rules of order; it is "strictissimi juris," and should receive no indulgence at the expense of such rules of order and convenience.

The Commission directed that Brown be introduced as a witness for the purpose of being examined further by the Court.

W. P. Brown being recalled, deposed that he did not recollect having any conversation with the Rev. W. H. Tyler and Milton Simpson as to what he saw on the night of the murder; that he did not think he had told either of them he had not recognized any of the party that night; that he had been ordered by the military authorities not to say what he knew about the murder; that he endeavored to conceal what he knew about it.

David M. Simpson and Rev. W. H. Tyler, witnesses for the defense, deposed that they are on intimate terms with the witness Brown (Simpson having been his guardian); that shortly after the murder, Brown, in reply to their inquiries, said he did not recognize any of the party that went down to the ferry on the 8th October.

Joseph W. Keys, a witness for the defense, deposed that he lives with his father, Crawford Keys; that in October last he and his brother Robert were in charge of his father's farm; that at that time there were nine horses on the farm and three saddles, one of which was very old, and was used as a wagon saddle; that on the night of the 8th of October a black horse of Robert Keys' was the only one in the stable, the rest being in the pasture; that Robert's horse being a stallion, could not be turned into the pasture; that all the horses, save three, had been put in the pasture Saturday evening;

that they could come up in the pasture near to the house; that a black mare of Peter Keys' and the black stallion were always kept in the stable; that a sorrel mare had been put there for Robert to ride to church on Sunday, and was turned into the pasture that day; that he (witness) brought up all the horses a little after sunrise on Monday; that three colts had gotten out and were not on the farm on Sunday night; that Lem was at home Sunday night; that Fred Clark is usually there, but that he (witness) did not recollect seeing him that night; that all the others had gone off; that Joe had gone to Mr. Smith's and did not return until Monday morning; that the carriage was not used on Sunday, the 8th October; that all the family was at supper on Sunday at dark, and that there were no guests; that the grown persons present at supper were, his father, his mother and sister Eleanor, Mrs. Peter Keys, Robert and Major Keys; that his father sat in the front piazza until 9 o'clock, and Robert fifteen minutes after supper, rode off and was gone about an hour; that on returning he lit his pipe and sat in the piazza with his father; that Crawford Keys retired about 9 o'clock; that at about 12 P. M., judging by the moon, he (witness) got up to get some water and went into Robert's room for it, and saw Robert there in bed; that, finding no water there, he went down stairs to the pail; that while there his father called him and told him to bring some water for the baby; that he carried the water and saw his father in bed; that the water pail is at his father's door; that his father woke him up Monday morning; that he and Robert Keys and Lem fed the horses that morning a little after sunrise; that Crawford Keys did not leave home on the night of the 8th October at all; that there were two pistols in the house, one of which belonged to Stowers, and was brought there to be mended; that Crawford Keys rarely carries a pistol; that he did not at that time have a suit of clothes, "blue mixed;" that Joe (colored), who usually makes a fire in Crawford Keys' room, did not return home on Monday morning until half hour after sunrise; that the windows of the house have no blinds, and that there were in it two clocks, one in Peter's room, and one (not running) in Crawford Keys' room.

The examination-in-chief of the witness concluded, and the Commission adjourned to meet on the 22d inst., at 10.30 A. M.

March 22, 1866.

The Judge Advocate stated that a doubt having arisen whether the President of the Commission can continue to sit as a member of the Court while temporarily exercising the duties of Department Commander, the matter has been referred to Washington for instructions, and an answer is expected from Washington to-morrow.

The Commission adjourned to meet on Saturday, the 24th inst., at 10.30 A. M.

Note.—Major-General Sickles having left on a visit to Florida, Major-General Devens, the President of the Commission, succeeds to the command of the Military Department of South Carolina, and, in virtue of that command, is the officer designated by the 65th Article of War to review the proceedings of the Commission, before its sentence can be carried into execution. The point submitted to the War Department is the propriety of continuing Major-General Devens as a member of the Commission, in view of the fact that he will not be called upon to act as a reviewing officer, as the return of Gen. Sickles will take place before the Commission concludes its sittings.

A NEWSPAPER.—It was Bishop Horn's own opinion that there was no better moralist than the newspaper. He says: "The follies, vices, and consequent miseries of multitudes, displayed in newspapers, are so many beacons continually burning to turn others from the rock on which they have been shipwrecked.—What more powerful dissuative from suspicion, jealousy and anger, than the story of one friend murdered by another in a duel? What caution more likely to be effective against gambling and profligacy, than the mournful relation of an execution, or the fate of a despairing suicide? What finer lecture on the necessity of economy, than the auction of estates, houses and furniture? Only take a newspaper, and consider it well, pay for it, and it will instruct thee."

—Some wag, who ought to be condemned to read the speeches of Sumner and Stevens from beginning to end, lately sent to the President a copy of a medicinal placard, lettered, "Shattered Constitutions restored. Use Helmbold's Buchu." The barbarian wrote in pencil on the margin, "Try it, Andy, on the present Constitution."

Emigration from the South.

We take from the Mobile Register & Advertiser the annexed article, which is evidently from the pen of its able and accomplished editor, Hon. John Forsyth, formerly Minister to Mexico:

We understand that thirty persons reached this city yesterday, from the interior, en route to Mexico, as colonists. We are receiving frequent letters from Georgia and Alabama, making inquiries touching matters in that country which it is useful to an emigrant to know. We have before us, and shall publish it to-morrow, a manifest from Col. M. F. Maury, formerly a distinguished citizen of the United States, and now Imperial Commissioner under the Empire. In that paper the emigrant can learn everything he desires to know about the country, and it comes from a man whose character gives the stamp of truth to every word he utters.

There is something alarming to us in the spread of the spirit of expatriation at the South. It has been greatly intensified by recent developments at Washington. The Radicals are driving the flower of our population from the land. It is not the needy, the broken-down and the adventurous who constitute the migrating class—heretofore unknown to the South—but it is the intelligent, the spirited, the high-toned, the brave, who, born and bred in an atmosphere of freedom, fly from the homes of their childhood and the graves of their fathers, because they feel that the halo of liberty has departed from the land. It is well known that we have steadily set our faces against the wisdom of this despondent judgment of our country's future. But we cannot but respect the nobility of soul that disdains to wear fetters for one syllable of time. We appreciate the heart sickness which comes of turning one's eyes to the daily proceedings of the Congress of the United States, where thoughts and passions are rife that were once believed to be impossible in American society, and under the shadow of American institutions. But should not the spectacle inspire a disdain to fly the ordeal of duty imposed by the country's needs?

Shall we abandon our native land to howling fanatics, and look not behind nor stay to strike one blow for the redemption of the heritage of freedom our fathers left us? Hope is not lost. There is "life in the old land yet," and a recuperative energy in the blood of our race that will rise up and throw off the party despotism that is using all its power to strangle constitutional liberty. That energy exists, but is not yet developed. It is beginning to move in its slumber, and soon we shall hear the tread of its millions marching to demand the restitution of the Constitution to its pristine glory. Who would wish to be absent in a foreign land when his vote and his influence could be given to the mighty cause of a regenerated Constitution? We are alive to all the charms of peace and immunity from the wear and tear of the coming struggle, to be found under the orange and olive trees of beautiful Mexico. We are tired of strife and turmoil and struggle. But voices from the graves of dead sages and patriots command us to preserve and defend the legacy of their toil and blood.

We sought to do it through independence of the Satanic influence of Puritanism supported by arms. The effort failed, but the duty remains and beckons us to another field—the field of reason. The pen takes the place of the sword, and the tongue is to fight, before the great forum of the American people, the battle which but lately moistened the land with fraternal blood. We come back to the starting point of 1860, where, placing no reliance upon the "second sober thought" of the people, and turning our backs in despair of help upon the conservative masses of the North, we flew to arms. We come, stronger for the lesson of blood and war, for it has written in flaming colors the true character of the fanatical teachings and purposes of the party that drove us to a desperate measure, and so written that its hideous mien is visible to every liberty-loving man from Maine to Texas. It has made allies for us, wherever a Democratic throb is felt, wherever the intelligence exists to know that, in our Government, "consolidation is despotism, and confederation the only hope of liberty." Let it not be forgotten that it is not in the South only where the shock of war has fallen upon us with its terrific power, that the late unparalleled revolution has been felt.

The tinklings of the Cabinet Secretary's bell that consigned a Northern man (not in rebellion) to a fortress prison, have awakened emotions in Northern minds, whose echoes are yet to be heard. Freedom is alarmed in the North, as it has been prostrated at the South; for every

man of sense knows these States cannot live long under two governments at Washington—one Republican, the other despotic. The gangrene of usurped power must spread, and all the States become reduced to the rule of a single idea. These ideas are smoldering in the minds of the freemen of this country, in New York and Ohio, as well as in Virginia and Alabama. They will burst forth with the certainty of cause and effect. It is impossible that the American people who fattened upon liberty, and drank it in with every respiration of their existence, can tamely consent to yield it, upon the demand of a thin-blooded hypocrite like Charles Sumner, or a ferocious dogmatist like Thaddeus Stevens. This battle will be fought, and the friends of the old Constitution will be victorious, and thus the American Government will date its regeneration from the war for Confederate independence. The political sins of the nation called for this baptism of blood.

From the Augusta Constitutionalist.

The Southern Dead.

We take great pleasure in copying the following beautiful tribute to the Southern Dead from the Columbus Sun and Times. Its suggestions are worthy of our heroic women and the loved ones that they propose to commemorate. It would be "gilding refined gold" to add a single word to this touching appeal, and if we dare say ought further, it is that the ladies of Columbus may not be alone in this holy undertaking. Let the ladies of Augusta, and of the South at large, emulate a grand duty so worthily inaugurated:

COLUMBUS, GA., March 10, 1866.

Messrs. Editors: The ladies are now, and have been for several days, engaged in the sad but pleasant duty of ornamenting and improving that portion of the city cemetery sacred to the memory of our gallant Confederate dead, but we feel it an unfinished work unless a day be set apart annually for its especial attention. We cannot raise monumental shafts, and inscribe thereon their many deeds of heroism, but we can keep alive the memory of the debt we owe them, by at least dedicating one day in each year to embellishing their humble graves with flowers. Therefore, we beg the assistance of the Press and the ladies throughout the South, to aid us in our efforts to set apart a certain day to be observed from the Potomac to the Rio Grande, and be handed down through time as a religious custom of the country to wreath the graves of our martyred dead with flowers. (We would propose the 2d Wednesday in May, as at that time our land may be truly called the "land of flowers.") Let every city, town and village, join in the pleasant duty; let all be alike remembered, from the heroes of Manassas to those who expired amid the death throes of our hallowed cause. We'll crown alike the honored resting places of the immortal Jackson, in Virginia, Johnson, of Shiloh, Cleburne, in Tennessee, and the host of gallant privates who adorned our ranks—all did their duty, and to all we owe our gratitude. Let the soldiers' grave, for that day at least be the Southern Mecca, to whose shrine her sorrowing women, like pilgrims, may annually bring their grateful hearts and floral offerings. And when we remember the thousands who were buried with "their martial cloak around them," without Christian ceremony of interment for their beloved bodies, we would invoke the aid of the most thrilling eloquence throughout the land, to inaugurate this custom by delivering on the appointed day, this year, an eulogy on the unbearably dead of our glorious Southern army. They died for their country. Whether their country had, or had not, the right to demand the sacrifice, is no longer a question of discussion with us. We leave that for the future nation to decide. That it was demanded, that they nobly responded, and fell holy sacrifices upon their country's altar, and are thereby entitled to their country's gratitude, none will deny.

The proud banner under which they rallied in defence of the noblest cause for which heroes fought, or trusting woman prayed, has been furled forever. The country for which they suffered and died has now no name or place among the nations of the earth. Legislative enactments may not now be made to do honor to their memories—but the veriest Radical that ever traced his genealogy back to the deck of the May Flower, could not deny us the simple privilege of paying honor to those who died defending the life, honor and happiness of the

SOUTHERN WOMEN.

—Josh Billings says there is nothing more touching in this life than to see a poor but virtuous young man struggling with a moustache.